

**TOWN OF APPLE VALLEY
TOWN COUNCIL/REDEVELOPMENT AGENCY**

**REGULAR MEETING
MINUTES – January 24, 2012**

CALL TO ORDER:

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 5:32 p.m.

Roll call was taken with the following members present:

Roll Call

Present: Boardmember/Council Member Emick; Boardmember/Council Member Nassif; Boardmember/Council Member Roelle; Vice Chair/Mayor Pro Tem Coleman; Chair/Mayor Stanton.
Absent: None.

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).
- B. Public Employee Discipline/Dismissal/Release.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Manager.

Upon returning from Closed Session at 6:50 p.m., Mayor Stanton announced that there was no reportable action taken.

OPENING CEREMONIES

Mayor Stanton called to order the meeting of the Apple Valley Town Council/Redevelopment Agency at 6:30 p.m.

INVOCATION: The invocation was led by Dr. Eldoris Bonner, Faith Ministries

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council Member Roelle

PRESENTATIONS:

- A. Employee of the Quarter – Presented to Christine McCaffrey, Office Assistant

- B. Employee of the Year - Lena Quinonez, Recreation Supervisor
- C. Teen Zone Awards Presentation – Alicia Dannelley, Recreation Assistant
- D. Presentation to the Town of Apple Valley Animal Shelter – Froggies – Sue Luna and Joy Garcia
- E. Southern Christian Leadership Freedom Award presenting to Mayor Barb Stanton

SPECIAL ANNOUNCEMENTS: None.

PUBLIC COMMENTS

Wilson So, Apple Valley, commented on the local preference ordinance adopted by the Town Council and comments that were made about previous work completed by his firm.

Teresa Spaulding, Apple Valley, expressed concern regarding being attacked by a dog in her neighborhood. She believed that additional restrictions need to be in place to prevent certain breeds from being allowed in this Town.

Janice Moore, Apple Valley, encouraged the Council to post contracts for services on the Town's website so that it is available to Apple Valley vendors.

Salvador Ortiz-Lopez, Apple Valley, commented on the need for the Town of Apple Valley to be business friendly to the community.

APPLE VALLEY CHAMBER OF COMMERCE – BUSINESS RETENTION UPDATE

Andy Tricinella, Chairman, Apple Valley Chamber of Commerce, commented on upcoming events provided by the Apple Valley Chamber of Commerce.

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Council Member Roelle commented on concerns expressed by the public regarding a potential .5 cent sales tax. He clarified for the benefit of the public that the Council was not considering a .5 cent sales tax it was just part of a phone survey conducted by a consultant.

Council Member Emick commented on committees and events that he attended.

Council Member Nassif commented on committees and events that he attended.

Mayor Pro Tem Coleman commented on committees and events that she attended.

Mayor Stanton commented on committees and events that she attended.

TOWN COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1. Closed Session

Mayor Stanton adjourned to Closed Session at 8:02 p.m. to discuss the following:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to subdivision (b) of the Government Code Section 54956.9 (one or more potential cases).
- B. Public Employee Discipline/Dismissal/Release.
- C. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluations. Title: Town Manager.

Upon returning from Closed Session at 9:33 p.m., Mayor Stanton announced that there was no reportable action taken.

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for next agenda:

Council Member Emick would like an item placed on a future agenda regarding working with the Chamber to establish options to make Town contracts more accessible for the public.

Time, Date & Place for Next Town Council Regular Meeting:

- A. Regular Meeting – Tuesday, February 14, 2012 – Council Chambers
Closed Session at 5:00 p.m.
Regular Session at 6:30 p.m.

TOWN COUNCIL/REDEVELOPMENT AGENCY CONSENT AGENDA

Mayor Stanton announced that there is a need to add an item to the agenda that came to the attention of the Town after the agenda was posted. Based on this information, staff is requesting that an item be added as Item Number 8A to “Accept the final Map for Parcel Map No. 19338.”

Motion by Council Member Nassif, seconded by Council Member Emick, and unanimously carried, that there is a need to add an item to the agenda that came to the attention of the Town after the agenda was posted. The Item is 8A “Accept the final Map for Parcel Map No. 19338”.

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to approve and adopt the Consent Calendar items numbered 2 – 8A.

Council Member Roelle asked for clarification regarding Rule 15, Layoff Policy 15.1.

Nikki Salas, Human Resources Manager, provided clarification to the concerns expressed by Council Member Roelle.

Vote: Motion carried 5-0-0-0

Yes: Councilmember’s Emick; Roelle; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

Council Member Roelle voted no on Agenda Item Number 8.

2. Approval of Minutes of the Town Council

- a. Regular Meeting – January 10, 2012
- b. Joint Special Meeting – January 11, 2012
- c. Special Meeting – January 17, 2012

Recommendation:

Approve the subject minutes as part of the consent agenda.

3. Adopt Ordinance 427 of the Town Council of the Town of Apple Valley, California, Amending the Official Zoning Map by Changing the Zoning Designation from Planned Industrial (I-P) to Specific Plan (SP) for the Amendment Area; and Adopt Ordinance 428 of the Town Council of the Town of Apple Valley, California, Adopting Specific Plan No. 2005-001 Amendment No. 5, The North Apple Valley Industrial Specific Plan.

Recommendation:

Adopt Ordinance No. 427 and Ordinance No. 428

4. Approve the Local Appointment List (Maddy Act) for the Town of Apple Valley Regular and Ongoing Boards, Commissions and Committees

Recommendation:

That the Town Council approve the Local Appointment List (Maddy Act) as presented.

5. Adoption of Policy for Sponsorship and Naming/Renaming for Town Facilities and Programs

Recommendation

Adopt Sponsorship and Facility Naming/Renaming Policy.

6. Acceptance Of Work, Notice Of Completion And Release Of Retention For The Traffic Signal At Bear Valley Road And Deep Creek Road, Town Project 2010-02.

Recommendation:

1. Accept the work for the traffic signal and roadway improvements included in the Traffic Signal at Bear Valley Road and Deep Creek Road for a total cost of \$175,062.42
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
3. Direct the Finance Director to release retained funds 30-days after the filing of the Notice of Completion, provided no claims are filed against the contractor.

7. Claimant – Linda Jones

Recommendation:

Reject the claim of Linda Jones.

8. Resolution Of The Town Council Of The Town Of Apple Valley Amending The Personnel Policies And Procedures Manual

Recommendation:

Adopt Resolution No. 2012-05, a Resolution of the Town Council of the Town of Apple Valley Amending the Personnel Policies and Procedures Manual, Sections 3.23, 6.1, and Rule 15.

PUBLIC HEARINGS

9. A Request To Revise Title 9 "Development Code" Of The Town Of Apple Valley Municipal Code By Amending Section 9.31.030, "Single Family Architectural Design Standards", Of Chapter 9.31 "Residential Design Standards", To Incorporate Provisions Related To The Town Of Apple Valley Planning Commission Metal Roof Policy Statement.

Mayor Stanton opened the public hearing at 9:42 p.m.

Pam Cupp, Assistant Planner, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Stanton closed the public hearing at 9:43 p.m.

MOTION

Motion by Council Member Roelle, seconded by Council Member Emick, and unanimously carried, to:

1. Determine that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

2. Find the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.

3. Find that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.

4. Move to waive the reading of Ordinance No. 430 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 430.

MOTION

Motion by Council Member Nassif, seconded by Council Member Roelle, to:

5. Introduce Ordinance No. 430, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.31.030, "Single Family Architectural Design Standards", of Chapter 9.31 "Residential Design Standards", to incorporate provisions related to the Town of Apple Valley Planning Commission Metal Roof Policy Statement.

6. Direct staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Roelle; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

10. **A Request To Modify Title 9 “Development Code” Of The Town Of Apple Valley Municipal Code By Amending Chapter 9.78 “Wind Energy Conversions Systems (Wecs)” As It Relates To The Installation And Permitting Requirements Of Roof-Mounted Wind Energy Conversion Systems Located Within The Town Of Apple Valley.**

Mayor Stanton opened the public hearing at 9:44 p.m.

Pam Cupp, Assistant Planner, presented the staff report as filed with the Town Clerk.

Questions were asked of staff regarding how the determination was made for the number of turbines per acre.

Council Member Nassif would like to see a provision where a resident could request a variance or conditional use permit for additional turbines.

Council Member Nassif recommended, with the consensus of the Town Council, that based on information received from the Town Attorney, subsection G2 be amended to state, “Roof-mounted WECS. One (1) unit is permitted per lot or recorded parcel that is between 0.4 to two (2) acres in size subject to a building permit **except that additional units may be granted with the review and approval of a Conditional Use Permit.** Additional units are allowed at a ratio of one (1) roof-mounted WECS per additional acre. Additional language be added to Section G2 regarding a Conditional Use Permit”.

There being no requests to speak, Mayor Stanton closed the public hearing at 9:56 p.m.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, and unanimously carried, to:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 431 in its entirety and read by title only.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 431.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to:

5. **Introduce** Ordinance No. 431, amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code Section 9.78 "Wind Energy Conversion Systems (WECS)" as it relates to the site development standards and permitting requirements for all roof-mounted wind energy conversion systems located within the Town of Apple Valley as amended.
6. **Direct** staff to file a Notice of Exemption.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Roelle; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

11. **An Ordinance Of The Town Council Of The Town Of Apple Valley, Amending Title 5, Chapter 5.06 Of The Apple Valley Municipal Code To Establish Franchise Fees, Public Access Support Fees And Customer Service Penalties For State Franchise Holders Providing Video Service Within The Town Of Apple Valley**

Mayor Stanton opened the public hearing at 9:58 p.m.

Marc Puckett, Finance Director, presented the staff report as filed with the Town Clerk. Mr. Puckett explained how the Public Access Support fees could be used.

There being no requests to speak, Mayor Stanton closed the public hearing at 10:08 p.m.

Mayor Stanton believed that she could not support this action at this time because of the request for fees from the public.

It was the consensus of the Town Council that an amended version of this ordinance be brought back at the next meeting eliminating Subsection (b) of Section 5.06.180 - State video franchise fee and public access support fee.

LEGISLATIVE MATTERS

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

12. **Status of Redevelopment Dissolution Activities**

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

John Allison, Apple Valley, expressed concern regarding the Residential Rehabilitation Loan Program (RRLP) and whether or not the program would be allowed to continue based on the

situation with the State. He stated that his business relies on this program and he hopes the program is allowed to continue.

Douglas Vance, Apple Valley, recommended that the RRLP program be allowed to continue. He stated that his business is local and he helps put local residents to work through this program.

Adolph Collaso, Finance Officer, commented on the benefit of the housing programs that the Town of Apple Valley offers its residents. He stated that he supported the Town continuing to provide housing loan programs to its citizens.

Mr. Henderson explained the various types of funding specifically the twenty percent set-aside funding for housing programs and the restrictions of their use.

This was a receive and file item only. There was no action taken.

13. The Town Council Of The Town Of Apple Valley Acting As The Successor Agency Of The Apple Valley Redevelopment Agency Approving And Adopting An Amendment To Its Enforceable Obligation Payment Schedule Pursuant To Part 1.8 Of Division 24 Of The California Health And Safety Code As Provided By Abx1 26

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Roelle, seconded by Council Member Nassif, to adopt the attached Resolution No. 2012-06 revising the previously adopted Enforceable Obligation Payment Schedule ("EOPS") and to extend the operative period of the EOPS from April 30, 2012 to June 31, 2012.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Roelle; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

14. Apple Valley Chamber Of Commerce Agreement for Business Retention Services

Kenneth J. Henderson, Assistant Town Manager, Economic and Community Development, presented the staff report as filed with the Town Clerk.

Council Member Nassif stated that he asked that this item be discussed. He questioned if alternative funding would be available to continue this agreement.

Discussion ensued regarding the timeframe for the agreement with the Apple Valley Chamber of Commerce.

Mr. Henderson suggested that the Town Council refer the matter to the Town Manager to determine if there is an alternative funding source and the timeframe for the contract.

Marc Puckett, Finance Director, explained that the amount that would be paid to the Chamber would be paid out of the General Fund which would have an impact on the Town's budget. He recommended that the language tying it to a formula be removed and a flat fee be established.

Mayor Pro Tem Coleman believed that the Town Manager and staff meet with the Chamber of Commerce to further discuss this matter and bring it back to the Town Council with a recommendation and the impact that the funding would have on the General Fund.

Max Schetter, Apple Valley, commented on the activities of the Chamber and their business retention efforts that they provide for the community.

MOTION

Motion by Mayor Pro Tem Coleman, seconded by Council Member Emick, and unanimously carried that the Town Council direct the Town Manager to work with the Chamber and staff to come up with a financing plan for consideration by the Town Council at the next regular scheduled meeting.

15. Request for Proposal for Professional Services for Recruitment of the Town Manager Position

Mayor Stanton announced that this item was tabled.

16. Request for Qualifications, Golf Course Management Services

Dennis Cron, Assistant Town Manager, Municipal Operations and Contract Services, presented the staff report as filed with the Town Clerk.

MOTION

Motion by Council Member Nassif, seconded by Mayor Pro Tem Coleman, to authorize and direct staff to circulate a Request for Qualifications for Management and Operation Proposals for the Apple Valley Golf Course.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Emick; Roelle; Nassif; Mayor Pro Tem Coleman; Mayor Stanton.

Absent: None.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

Frank Robinson, Town Manager, stated that at a future meeting the Animal Services Manager would make a presentation regarding events at the Animal Shelter.

Mr. Robinson announced, for the Council's consideration, available dates for the Council workshop. He commented on Tire Amnesty Day which will be held on Saturday, January 28th from 9:00 a.m. to 3:00 p.m. at Lyon's Park. He also announced the retirement of Captain Bart Belknap on March 16, 2012 where a celebration will be held on the same day from 2:00 p.m. to 4:00 p.m. at the Conference Center.

An announcement was also made regarding the first Coffee with the Mayor which will be held in February at the Grind Coffee Shop.

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

ADJOURNMENT

Motion by Council Member Coleman, seconded by Council Member Emick, and unanimously carried to adjourn the meeting of the Apple Valley Town Council at 11:22 p.m.

Mayor

Town Clerk